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Attorneys for Plaintiff ROBERT SZEGEDY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ROBERT SZEGEDY, an individual;

Plaintiff,

vs.

MONTAG DIVULGAÇÃO LTDA., a
Brazilian limited liability partnership; and
DOES 1 through 100, inclusive,

Defendants.

) Case No.: C 10-05579 EMC
)
) **STIPULATION AND ~~PROPOSED~~**
) **ORDER TO POSTPONE HEARING**
) **ON PLAINTIFF ROBERT**
) **SZEGEDY'S APPLICATION FOR**
) **ENTRY OF DEFAULT JUDGMENT**
) **BY COURT**
)
) Courtroom: 5, 17th Floor
) Hon. Edward M. Chen, District Judge
)
) Action Filed: December 9, 2010
) Trial Date: TBD
)
) (E-Filing)

1 **WHEREAS** Plaintiff Robert Szegedy alleges the Complaint in this action was
 2 properly served on Defendant Montag Divulgação Ltda. on May 3, 2011, and whereas
 3 Defendant has not served and filed a response to the Complaint; and

4 **WHEREAS** Plaintiff sought, and the Clerk of this Court entered, on June 1, 2011,
 5 a default against Defendant, and Plaintiff has filed an Application for Entry of Default
 6 Judgment by Court, which is currently scheduled for a hearing in this Court at 1:30 p.m.
 7 on August 12, 2011; and

8 **WHEREAS** Defendant alleges service of the Complaint was not proper, and, even
 9 if proper, Defendant alleges there is good cause for relief from entry of default pursuant
 10 to FRCP Rule 55(c); and

11 **WHEREAS** Defendant seeks to file with this Court a Motion to Set Aside Default
 12 prior to a hearing on Plaintiff's Application for Entry of Default Judgment by Court; and

13 **WHEREAS** Defendant intended to seek an order shortening time to file its
 14 Motion to Set Aside Default so it could be heard on July 29, 2011, or August 1, 2011, but
 15 discovered Plaintiff's counsel, Owen Seitel, Esq., will be out of town and unavailable
 16 July 22, 2011 through August 1, 2011, and again on September 2, 2011; and whereas
 17 Defendant's counsel, Kirk B. Freeman, Esq., will be in trial in Orange County Superior
 18 Court in Case No. 30-2011-00457273, entitled *Convenience Retailers LLC v. K & R*
 19 *Services, Inc.*, for an estimated two weeks beginning August 8, 2011, and will be in a
 20 mandatory settlement conference in San Francisco Superior Court in Case No. 475984,
 21 entitled *Felix Braynin et al. v. Vladislav Chernoguz et al.*, on September 9, 2011, at 1:30
 22 p.m.; and whereas this Court is unavailable on August 5, 2011, and August 26, 2011, and
 23 whereas this Court and both counsel appear to be available on September 16, 2011:

24 **THE PARTIES TO THIS ACTION STIPULATE**, through their undersigned
 25 counsel, that:

26 (1) the hearing on Defendant's Motion to Set Aside Default will be set at the same
 27 time and on the same day as the hearing on Plaintiff's Application for Entry of Default
 28 Judgment by Court; and

(2) the date of the hearings will be September 16, 2011, at 1:30 p.m., or on a date and at a time thereafter convenient to this Court.

THE PARTIES HEREBY STIPULATE TO THE ABOVE:

IDEEL & SEITEL LLP

Dated: July __, 2011

/s/ Owen Seitel

Owen Seitel

Attorneys for Plaintiff

ROBERT SZEGEDY

LAW OFFICES OF KIRK B. FREEMAN

Dated: July __, 2011

/s/ Kirk B. Freeman

Kirk B. Freeman

Attorneys for Defendant

MONTAG DIVULGAÇÃO LTDA.

SIGNATURE ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this efiled document.

LAW OFFICES OF KIRK B. FREEMAN

Dated: July __, 2011

/s/ Kirk B. Freeman

Kirk B. Freeman

Attorneys for Defendant

MONTAG DIVULGAÇÃO LTDA.

IT IS HEREBY ORDERED:

(1) The hearing on Defendant's Motion to Set Aside Default will be set at the same time and on the same day as the hearing on Plaintiff's Application for Entry of Default Judgment by Court; and

(2) the date of the hearings will be 9/16/11 at 1:30 p.m.

Dated: July 22, 2011

